REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following arguments is respectfully requested.

Claims 1 and 23 have been amended. No new matter has been added as a result of these amendments. With respect to claim 1, the limitations of dependent claims 2-5 and 41-44 have been incorporated into claim 1 in order to better define the claimed invention. With respect to claims 23, the limitations of claims 24-29 and 41-44 have been incorporated into claim 23 in order to better define the claimed invention. In view of the amendments to claims 1 and 23, claims 9-10, 12-13 and 16-19 have been deleted as being unnecessary.

Double Patenting

Claims 41-42 are objected to under 37 C.F.R. Section 1.75 as being substantially duplicate of claims 43-44. In view of the deletion of claims 41-44, Applicants submit that this rejection is now moot and should be withdrawn.

Claim Rejections – 35 U.S.C. Section 112, First Paragraph

Claims 1-2 are rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite. With respect to claim 1, the Examiner states that claim 1 is confusing and ambiguous because the "metes and bounds" of the term "human endosulfine" is not clear since no structural limitations are provided. Also, the Examiner stated that the "metes and bounds" of the term "complement thereof" was not clear.

Claim 1 has been amended to clearly define the metes and bounds of the term "human endosulfine" as requested by the Examiner. Also, the phrase "complement thereof" has been replaced with "fully complementary to". Applicants thank the Examiner for his helpful suggestion regarding this phrase.

With respect to claim 2, the Examiner stated that this claim lacked insufficient antecedent basis for "said is" in line 1. In view of the deletion of claim 2, Applicants submit that this rejection is now moot.

The Examiner has also rejected claims 11-13 as confusing because of the phrase "the vector portion of said expression vector". Claim 11 has been amended to remove the phrase "vector portion of said". Claims 12-13 have been deleted. In view of these amendments, Applicants submit that this rejection should be withdrawn.

Claims 1-5, 8-10, 14-19 and 23-24 are rejected under 35 U.S.C. Section 112, first paragraph as not being enabled by the specification. The Examiner admits that the specification is enabling for an isolated polynucleotide encoding a human endosulfine, where the polynucleotide comprises SEQ ID NO:1 or 2, or positions 107-460 of SEQ ID NO:1, or positions 107-472 of SEQ ID NO:2 and polynucleotides comprising fully complementary sequences thereof. Claims 1 and 23 have been amended to recite these sequences. In view of the insertion of these sequences into claims 1 and 23, claims 2-5,

9-10, 16-19 and 24 have been canceled. Therefore, in view of these claim amendments, Applicants submit that this rejection is now moot and should be withdrawn.

Claims 1, 8, 14, 15 and 23 are rejected under 35 U.S.C. Section 112, first paragraph, as containing subject matter that was not described in the specification in such a way as to reasonable convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants have amended claims 1 and 23 to recite that the polynucleotide encodes a polypeptide having the amino acid sequence of SEQ ID NO:3 or 4. Therefore, in view of these amendments, Applicants submit that this rejection is now moot and should be withdrawn.

Claim Rejections – 35 U.S.C. Section 102

Claims 1, 8, 14, 15, 23 and 24 are rejected under 35 U.S.C. Section 102(b) as being anticipated by WO 93/16178. Claims 1 and 23 have been amended. In view of the amendments to these claims, Applicants submit that WO 93/16178 does not disclose each and every element of the claimed invention and should be withdrawn.

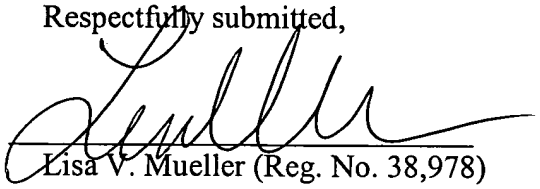
Claims 1, 8, 14, 15, 23 and 24 are rejected under 35 U.S.C. Section 102(a) as being anticipated by Peyrollier et al., *Biochem. Biophys. Res. Comm.*, 1996. Claims 1 and 23 have been amended. In view of the amendments to these claims, Applicants submit that WO 93/16178 does not disclose each and every element of the claimed invention and should be withdrawn.

Conclusion

In view of the aforementioned amendments and arguments, Applicants submit that the claims are now in condition for allowance.

If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account number 23-0785.

Respectfully submitted,

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